

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 ROBERT D. FRANKLIN,

11 Petitioner,

No. 2:11-cv-2498 MCE CKD P

12 vs.

13 KATHLEEN L. DICKINSON,

14 Respondent.

ORDER

15 \_\_\_\_\_/  
16 Petitioner, a state prisoner proceeding pro se and in forma pauperis, has filed an  
17 amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner alleges  
18 constitutional violations in connection with (1) his 2004 conviction and sentence and (2) his  
19 1987 parole revocation hearing. (Dkt. No. 16.)

20 Petitioner has improperly challenged the judgment of two separate tribunals in one  
21 federal habeas petition. See Fed. Rules Governing Section 2254 Cases, Rule 2(e) (“A petitioner  
22 who seeks relief from judgment of more than one state court must file a separate petition  
23 covering the judgment or judgment of each court.”); Bianchi v. Blodgett, 925 F.2d 305, 308-11  
24 (9th Cir. 1991); see also Colbert v. Schulteis, 2011 WL 306881 at \*5 (E.D. Cal. Jan. 27, 2011)  
25 (“The presence in this single action of claims concerning two distinct disciplinary proceedings is  
26 inconsistent with the rules governing habeas corpus proceedings.”)

1 As a result, the court will dismiss the amended petition without prejudice.  
2 Petitioner will be granted 30 days to file a second amended petition that complies with the  
3 governing Rules.

4 Accordingly, it is hereby ORDERED THAT:

5 1. The first amended petition for writ of habeas corpus (Dkt. No. 16) is dismissed  
6 without prejudice;

7 2. Petitioner is granted thirty days from service of this order to file an amended  
8 petition, titled "Second Amended Petition." Failure to file an amended petition will result in a  
9 recommendation that this action be dismissed.

10 Dated: July 20, 2012

11   
12 CAROLYN K. DELANEY  
13 UNITED STATES MAGISTRATE JUDGE

14 2  
15 fran2498.fap  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26